

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
V.)	CASE NO: 2:06-cr-108-MHT
)	
GARRETT ALBERT DYKES)	

UNOPPOSED MOTION TO CONTINUE SENTENCING

NOW COMES the Defendant, Garrett A. Dykes, by and through undersigned counsel, and respectfully moves this Court to continue the sentencing date of September 7, 2006 until the last week of September 2006. In support of this Motion, defendant would show the following:

1. There is an issue as to whether or not Mr. Dykes remains primarily in state custody or federal custody, which needs to be addressed by the parties in consultation with state prosecution authorities, before this sentencing.

2. A prior request for continuance by Mr. Dykes was based on the absence of Assistant U.S. Attorney Todd Brown, Esquire, due to Mr. Brown's deployment to Iraq. Although Mr. Brown is no longer in Iraq, he is still on military leave and will not return to his office until September 19, 2006.

3. Based on the foregoing, defendant requests that this matter be continued until Mr. Brown's return.

4. Mr. Dykes is incarcerated in the Elmore County Jail, on previously pending state charges. He consents to this request and will not be prejudiced by a continuance in this matter.

5. The government does not oppose this Motion.

WHEREFORE, Defendant prays that this motion be granted.

Respectfully submitted,

s/Christine A. Freeman
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CERTIFICATE OF SERVICE

I hereby certify that on September 6, 2006, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Todd Brown, Esquire
Susan Redmond, Esquire
Assistant United States Attorney
One Court Square, Suite 201
Montgomery, Alabama 36104

Respectfully submitted,

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